

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2012-314-T - ORDER NO. 2013-____
MAY __, 2013

IN RE:	Application of CYBH, LLC for a Class E)	ORDER GRANTING
	(Household Goods) Certificate of Public)	CERTIFICATE
	Convenience and Necessity)	
)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Application of CYBH, LLC (“Applicant” or “CYBH”) for a Class E (Household Goods) Certificate of Public Convenience and Necessity for statewide authority to transport household goods. Pursuant to S.C. Code Ann. Regs. 103-817(C)(3)(a), the Applicant published notice of this matter in a newspaper of general circulation in the area where authority to operate is sought.

A Petition to Intervene was filed by Coastal Transfer & Storage (“Intervenor”) protesting the name of the Applicant as too similar to the Intervenor’s name. The Applicant reached an agreement with the Intervenor whereby the Applicant agreed to amend its name from “CYBH, LLC d/b/a/ Coastal Storage & Moving” to “CYBH, LLC” for purposes of its South Carolina intrastate moving business.

Pursuant to the Standing Hearing Office Directive issued on January 24, 2013, the deposition of MaryAnne Dorio, the Applicant’s shipper witness, was taken telephonically on February 1, 2013. Ms. Dorio is a realtor and broker-in-charge of Coastal Real Estate Pros., a real estate company located in Myrtle Beach, South Carolina. Ms. Dorio explained that her

experience shows the real estate market growing and that based upon her knowledge and experience, that demand exists for another statewide mover in South Carolina.

A hearing on the Application was held on April 24, 2013, in the offices of the Commission. The Applicant was represented by Rebecca J. Dulin, Esquire, and the Office of Regulatory Staff (“ORS”) was represented by Courtney D. Edwards, Esquire. Based upon the agreement reached by the Applicant and the Intervenor, the Intervenor did not participate in the hearing and no objections regarding the Application were raised.

During the hearing, Albert “Bert” Holley, the Applicant’s owner, testified as to his experience in the moving business through the Applicant’s interstate moving business and its current business of packing customers in preparation for moving. Mr. Holley also testified that he was aware of and intended to comply with the Commission’s regulations concerning household goods movers. George Parker, Manager of the ORS Transportation Department, testified for ORS. Mr. Parker testified that he found the Application to be in order. Parker also stated that he performed an inspection and found the Applicant’s equipment to be in good condition.

The Commission also finds the Application to be in order. Additionally, we conclude that the Applicant has demonstrated that it is fit, willing, and able to operate as a household goods mover pursuant to S.C. Code Ann. § 58-23-330 and S.C. Code Ann. Regs. 103-133. Furthermore, we find that the public convenience and necessity is not already being served by existing authorized service. Therefore, the Application should be approved and the Certificate be granted.

IT IS THEREFORE ORDERED:

1. The Application of CYBH, LLC for a Class E (Household Goods) Certificate of Public Convenience and Necessity is approved for the Applicant to transport household goods in throughout South Carolina.

2. The Applicant shall file with the Office of Regulatory Staff the proper insurance, safety rating, and other information required by S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and by S.C. Code Ann. Regs. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, as amended, and S.C. Code Ann. Regs. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, as amended, within ninety (90) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Regs. Vol. 10 (1976), as amended, a Certificate shall be issued by the Office of Regulatory Staff authorizing the motor carrier services granted herein.

4. Prior to compliance with the above-referenced requirements and receipt of a Certificate, the motor carrier services authorized by this Order shall not be provided.

5. Failure of the Applicant to either (1) complete the certification process by complying with the Office of Regulatory Staff requirements of causing to be filed with the Commission proof of appropriate insurance and an acceptable safety rating within ninety (90) days of the date of this Order or (2) to request and obtain from the Commission additional time

to comply with the requirements of the Commission as stated above, may result in the authorization approved in the Order being revoked.

6. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

David A. Wright, Chairman

ATTEST:

Randy Mitchell, Vice Chairman
(SEAL)